

(2) The creation or execution of wills, codicils, or testamentary trusts.

(3) Premarital agreements, marriage, adoption, divorce or other matters of family law.

(4) Court orders or notices, or documents used in court proceedings.

(5) Documents of title which are filed of record with a governmental unit until such time that a state or subdivision thereof chooses to accept filings electronically.

(6) Residential landlord-tenant relationships.

(7) The Uniform Health-Care Decisions Act.

(i) INSURANCE.—It is the specific intent of the Congress that the benefits of this title apply to the business of insurance. This section applies to any Federal and State law and regulation governing the business of insurance that requires manual signatures or communications to be printed or in writing, document delivery, and retention.

(j) APPLICATION IN UETA STATES.—This section does not preempt the Uniform Electronic Transactions Act as in effect in a State, if that Act, as in effect in that State, is not inconsistent, in any significant manner, with the provisions of this Act.

#### **SECTION 6. PRINCIPLES GOVERNING THE USE OF ELECTRONIC SIGNATURES IN INTERNATIONAL TRANSACTIONS.**

To the extent practicable, the Federal Government shall observe the following principles in an international context to enable commercial electronic transaction:

(1) Remove paper-based obstacles to electronic transactions by adopting relevant principles from the Model Law on Electronic Commerce adopted in 1996 by the United Nations Commission on International Trade Law.

(2) Permit parties to a transaction to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced.

(3) Permit parties to a transaction to have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(4) Take a non-discriminatory approach to electronic signatures and authentication methods from other jurisdictions.

#### **SECTION 7. STUDY OF LEGAL AND REGULATORY BARRIERS TO ELECTRONIC COMMERCE.**

(a) BARRIERS.—Each Federal agency shall, not later than 6 months after the date of enactment of this Act, provide a report to the Director of the Office of Management and Budget and the Secretary of Commerce identifying any provision of law administered by such agency, or any regulations issued by such agency and in effect on the date of enactment of this Act, that may impose a barrier to electronic transactions, or otherwise to the conduct of commerce online or by electronic means. Such barriers include, but are not limited to, barriers imposed by a law or regulation directly or indirectly requiring that signatures, or records of transactions, be accomplished or retained in other than electronic form. In its report, each agency that shall identify the barriers among those identified whose removal would require legislative action, and shall indicate agency plans to undertake regulatory action to remove such barriers among those identified as are caused by regulations issued by the agency.

(b) REPORT TO CONGRESS.—The Secretary of Commerce, in consultation with the Director of the Office of Management and Budget, shall, within 18 months after the date of enactment of this Act, and after the consultation required by subsection (c) of this section, report to the Congress concerning—

(1) legislation needed to remove barriers to electronic transactions or otherwise to the

conduct of commerce online or by electronic means; and

(2) actions being taken by the Executive Branch and individual Federal agencies to remove such barriers as are caused by agency regulations or policies.

(c) CONSULTATION.—In preparing the report required by this section, the Secretary of Commerce shall consult with the General Services Administration, the National Archives and Records Administration, and the Attorney General concerning matters involving the authenticity of records, their storage and retention, and their usability for law enforcement purposes.

(d) INCLUDE FINDINGS IF NO RECOMMENDATIONS.—If the report required by this section omits recommendations for actions needed to fully remove identified barriers to electronic transactions or to online or electronic commerce, it shall include a finding or findings, including substantial reasons therefor, that such removal is impracticable or would be inconsistent with the implementation or enforcement of applicable laws.

### **NOTICE OF HEARING**

#### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The oversight hearing will take place Tuesday, October 26, 1999, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the interpretation and implementation plans of Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition to Include Waters Subject to Subsistence Priority; Final Rule. Only the administration will present testimony.

Those who wish to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

### **AUTHORITY FOR COMMITTEE TO MEET**

#### **COMMITTEE ON SMALL BUSINESS**

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "Internet Cramming: The Latest High-Tech Fraud on Small Businesses." The hearing will be held on Monday, October 25, 1999, beginning at 1 p.m. in room 652 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### **ADDITIONAL STATEMENTS**

#### **TRIBUTE TO THOMAS BUREAU McDONALD**

• Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of

Thomas Bureau McDonald who died as a result of a tragic car accident on October 9, 1999 in Albuquerque, New Mexico at the age of 35. His parents, family, and friends have lost a very special person. New Mexico has lost a young and dedicated public servant whose passion was working with college students, strengthening and expanding higher education, and stressing the importance of attending college.

Tom was a rising star among those interested in public service in New Mexico. He will be missed for his cheerful personality, his keen sense of humor, his political savvy, and his devotion to empowering students at the university and state level when it came to their education. Tom was never concerned with how much he could accomplish or who he could influence but, rather how he could live his life so when he was no longer serving in his appointed or elected capacities his ideas, dreams, and goals would be a reality. That reality was for children and their families living throughout New Mexico to have the opportunities in place to attend college to better themselves and to better their community. In life there are individuals who are concerned about being remembered for what they have done or still can do; Tom's only concern was being remembered for who he was—an outspoken leader on higher education and its students, a good son to his parents, a loving grandson to his grandmothers, and a trustworthy and loyal individual to his friends.

Tom attended the University of New Mexico and graduated from Western New Mexico University in Silver City, New Mexico where I grew up as a child. During his years at Western, Tom was elected by his peers not just once but twice to serve as their student body president (1990–1992). It was during this time that he eloquently presented a plan to the Board of Regents to build a new \$3.5 million Student Union Building utilizing only student fees. Tom was fortunate to go back a few years ago to the dedication of this new building. While at the dedication ceremony he realized that what started as a vision, a risk, a challenge, turned into structure of unity where students, administrators, and community members could learn, work and just be together.

Mr. President, from 1990 to 1992 Tom was appointed to two one year terms as the student member on the Governor's Commission on Higher Education by former Governor Bruce King. During his tenure, Tom transformed the way members of the Commission viewed student participation and input on higher education. Through his optimism, determination, and presence he created an identity for students around the state who were concerned about the quality of their education. That identity which Tom helped form not only exists before the Commission today, but before the State Legislature and Office of the Governor.

From 1992 to 1993 Tom was elected by student representatives from New